

Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 2, 7, 9-12, 17, 19-21, 26, 27, and 30-33 have been amended. No claims have been cancelled or added. Therefore, claims 1-33 and 36-39 are presented for examination.

Provisional Obviousness-Type Double Patenting Rejection

Claims 1-33 and 36-39 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 and 26-38 of co-pending Application No. 10/039,960. As suggest by the Examiner, applicant has provided a terminal disclosure, herewith, to obviate this rejection.

35 U.S.C. §103(a) Rejection

Claims 1, 3-6, 8-11, 13-16, 18-25, 27-29, 31-33, 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub. No. 2003/0046421) and Avitan (U.S. Pub. No. 2003/0017854). Applicant submits that the present claims are patentable over Horvitz in view of Avitan.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].) More specifically, the system enables a plurality of information associated with electronic messages to be automatically prioritized by a message urgency system for transmittal to a user or system. The message urgency system can employ classifiers that can be explicitly and/or implicitly

trained to prioritize or triage one or more received messages according to a learned importance to the user. (Horvitz at Abstract.).

Avitan discloses a dialer apparatus that receives a telephone number from a wireless mobile computing device and dials the telephone number over a wire landline telephone system. The dialer apparatus includes a wireless transceiver circuit capable of communicating data with the wireless mobile computing device, for receiving and storing telephone dialing data from the wireless mobile computing device representative of a telephone number to be dialed over the landline telephone system. Off-hook circuitry is connected to the landline telephone system and is responsive to an off-hook command signal, for generating an off-hook signal to the landline telephone system. (Avitan at Abstract.)

Claim 1, as amended, recites:

A method, comprising:

providing a digital assistant having an event detector and an agent selector;

receiving by the event detector information of an event from an information provider;

determining by the event detector a level of importance of the event relative to a user of the digital assistant;

weighing by the agent selector the level of importance against an amount of intrusion to the user if the digital assistant takes an action to resolve the event;

performing by the digital assistant the action to resolve the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold; and

contacting by the digital assistant the user in order for the user to resolve the event if the level of importance is greater than the second threshold.

Applicant submits that Horvitz does not disclose or suggest weighing by the agent selector the level of importance against an amount of intrusion to the user if the digital assistant takes an action to resolve the event, as recited by claim 1. First, there is no disclosure or

suggestion in Horvitz of an agent selector as part of a digital assistant. Second, there is no disclosure or suggestion in Horvitz of an agent selector weighing a level of importance of an event against an amount of intrusion to the user of taking an action to resolve the event. Furthermore, applicant can find no disclosure or suggestion of such a feature anywhere in Avitan.

As neither Horvitz nor Avitan individually disclose or suggest a feature of claim 1, any combination of Horvitz and Avitan also does not disclose or suggest the feature of claim 1. Therefore, claim 1 is patentable over Horvitz in view of Avitan. Claims 2-10 depend from claim 1 and include additional limitations. As a result, claims 2-10 are also patentable over Horvitz in view of Avitan.

Independent claims 11, 21, 27, and 31, as amended, also recite, in part, weighing by the agent selector the level of importance against an amount of intrusion to the user if the digital assistant takes an action to resolve the event. As discussed above, neither Horvitz nor Fisher disclose or suggest such a feature. Therefore, claims 11, 21, 27, and 31 are patentable over Horvitz in view of Avitan for the reasons discussed above with respect to claim 1.

Claims 12-20 depend from claim 11, claims 22-26 and 36-37 depend from claim 21, claims 28-30 and 38-39 depend from claim 27, and claims 32-33 depend from claim 31. As dependent claims necessarily include the limitations of their independent claims, claims 12-20, 22-26, 28-30, 32-33, and 36-39 are also patentable over Horvitz in view of Avitan.

Claims 2, 12, 37, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz-Avitan, as applied to claim 1 and Horvitz et al., in view of what was well known in the art. Claim 2 depends from independent claim 1, claim 12 depends from

independent claim 11, and claims 37 and 39 depend from independent claim 31. As previously discussed, claims 1, 11, and 31 are patentable over Horvitz in view of Avitan. As a result, claims 2, 12, 37, and 39 are also patentable over Horvitz in view of Avitan, even in view of what was well known in the art.

Claims 7, 17, 26, and 30 stand rejected under under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. and Avitan, as applied to claims 1, 11, 21, and 27, above, and further in view of Fisher et al. (U.S. Patent No. 5,835,896). Claim 7 depends from independent claim 1, claim 17 depends from independent claim 11, claim 26 depends from independent claim 21, and claims 30 depends from independent claim 27. As previously discussed, claims 1, 11, 21, and 27 are patentable over Horvitz in view of Avitan. Fisher does not remedy the deficiencies of Horvitz and Avitan as far as disclosing the claims of the present application. As a result, claims 7, 17, 26, and 30 are also patentable over Horvitz in view of Avitan, even in view of Fisher.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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